

AMENDMENTS TO LB 1063

Introduced by Cook

1 1. Strike the original sections and all amendments
2 thereto and insert the following new sections:

3 Section 1. Sections 1 to 5 of this act shall be known and
4 may be cited as the Children's Health and Treatment Act.

5 Sec. 2. The purpose of the Children's Health and
6 Treatment Act are to:

7 (1) Require that the guidelines and criteria that the
8 Department of Health and Human Services utilizes to determine
9 medical necessity for services under the medical assistance program
10 be adopted and promulgated as rules and regulations pursuant to the
11 Administrative Procedure Act which provides for notice and public
12 comment; and

13 (2) Require that the department collect and report on
14 authorization and denial rates for behavioral health services for
15 children under nineteen years of age.

16 Sec. 3. For purposes of the Children's Health and
17 Treatment Act:

18 (1) Department means the Department of Health and Human
19 Services; and

20 (2) Medical assistance program means the program
21 established pursuant to section 68-903.

22 Sec. 4. The department shall report to the Health
23 and Human Services Committee of the Legislature on utilization

1 controls, including, but not limited to, the rates of initial
2 service authorizations, reauthorizations subsequent to initial
3 service authorizations, and denials for behavioral health services
4 for children under nineteen years of age. The first report
5 shall be due on October 1, 2012, and shall contain such rates
6 of initial service authorizations, reauthorizations subsequent to
7 initial service authorizations, and denials for behavioral health
8 services for children under nineteen years of age for the first
9 three quarters of 2012. Thereafter, on January 1, April 1, and
10 July 1 of each year, the department shall report such rates
11 of initial service authorizations, reauthorizations subsequent to
12 initial service authorizations, and denials for behavioral health
13 services for children under nineteen years of age for the previous
14 calendar quarter.

15 Sec. 5. The department shall adopt and promulgate rules
16 and regulations to carry out the Children's Health and Treatment
17 Act. On and after January 1, 2013, the department shall not
18 apply clinical criteria or guidelines, medical necessity criteria,
19 or other similar criteria to determine medical necessity for
20 children under nineteen years of age that have not been adopted and
21 promulgated as rules and regulations pursuant to the Administrative
22 Procedure Act.